



INTERIOR BOARD OF INDIAN APPEALS

Estate of Raymond Wallace Hairychin

39 IBIA 115 (09/09/2003)

Related Board cases:

39 IBIA 117

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United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF RAYMOND WALLACE : Order Docketing and Dismissing Appeals
HAIRYCHIN :
: Docket Nos. IBIA 03-100
: IBIA 03-102
: IBIA 03-103
: IBIA 03-106
: IBIA 03-113
:
: September 9, 2003

Appellants Denise Joyce Smutzler, Quentin Hairychin, Lucia Hairychin, Elvira Hairychin, and Emerson J. Hairychin, Sr., sought review of a September 30, 2002, order granting petition for reopening and determining heirs in the estate of Decedent Raymond Wallace Hairychin by Indian Probate Judge George D. Tah-bone. 001-301-204D (IP BI 608B 79). ^{1/} It appears that Administrative Law Judge Garry V. Fisher issued the original order in this estate on February 12, 1980. Administrative Law Judge Vernon J. Rausch reopened this probate around 1989-1990. According to Judge Tah-bone's September 30, 2002, order, from 1991-1999 there was no activity in this estate. The case was transferred to Administrative Law Judge William S. Herbert sometime prior to June 26, 1999. On February 27, 2001, Judge Herbert transferred the case to Judge Tah-bone, who held two hearings on reopening on September 20, 2001, and April 9, 2002.

Judge Tah-bone found in his September 30, 2002, order that Appellant Smultzler is the daughter of Donald Sylvester Hairychin, Sr.; the sister and heir of Donald Anthony Hairychin, Jr.; and the granddaughter of Decedent.

In Docket No. 03-100, the Board ordered Appellant Smultzler to provide additional information about her address and when she received a copy of Judge Tah-bone's September 30, 2002, order in order to determine if her appeal was timely. It also ordered her to serve her filings on all interested parties. Appellant Smultzler was to respond by July 1, 2003.

^{1/} Another appeal involving this estate was filed by Naomi Hairychin. That appeal was assigned Docket No. IBIA 03-92, and is not addressed in this order.

In Docket Nos. IBIA 03-102, 03-103, 03-106, and 03-113, the Board similarly ordered Appellants Quentin Hairychin, Lucia Hairychin, Elvira Hairychin, and Emerson J. Hairychin, Sr., who are the brothers and sisters of Decedent, to serve all interested parties and provide the Board detailed information about when they received Judge Tah-bone's September 30, 2002, order. Appellants Quentin Hairychin, Lucia Hairychin, and Elvira Hairychin were given until July 15, 2003, to respond to the Board's orders; and Appellant Emerson J. Hairychin, Sr. was given until August 1, 2003, to respond.

The Board advised Appellants on June 5, 9, 10, and 24, 2003, that "if [they] fail[] to respond to [the Board's] order[s], [their] appeal[s] will be dismissed for failure to prosecute." Orders at 2.

The Board has received nothing further from Appellants in any of these cases.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, these appeals are docketed and dismissed for failure to prosecute.

//original signed
Kathleen R. Supernaw
Acting Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge